



2023-03337

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ANITA MORENO, RECORDER

SANTA CRUZ COUNTY, ARIZONA

Requested By: SCC Board Of Supervisors

06-07-2023 03:14 PM Recording Fee \$0.00

Requested By:

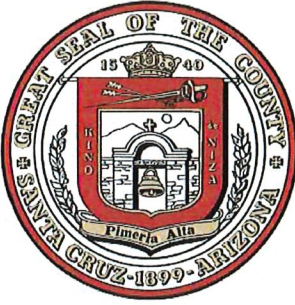
SCC Board of Supervisors

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SCC Board of Supervisors

CAPTION HEADING

Ordinance No. 2023-01



ORDINANCE NO. 2023-01

ADDING A NEW ARTICLE 31 TO THE SANTA CRUZ COUNTY ZONING AND DEVELOPMENT CODE TO ESTABLISH UNIFORM CRITERIA AND PROCEDURES FOR THE REVIEW, ADOPTION AND IMPLEMENTATION OF SPECIFIC ZONING PLANS WITHIN THE UNINCORPORATED AREA OF SANTA CRUZ COUNTY.

WHEREAS, on May 21, 1973, the Board of Supervisors adopted the Santa Cruz County Zoning Ordinance of 1973, establishing the Santa Cruz County Zoning and Development Code (herein referenced as the "Code") which became effective on October 5, 1973; and

WHEREAS, the Board has, from time to time, considered revisions and amendments to the adopted Code; and

WHEREAS, on December 20, 2022, the Santa Cruz County Board of Supervisors adopted Resolution 2022-22 in support of land use and economic development initiatives to encourage employment, industry sector growth, and educational opportunities within the Rio Rico/I-19 corridor; and

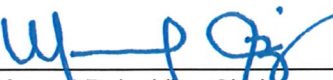
WHEREAS, in order to promote land use flexibility and provide a bridge between the County's comprehensive plan and individual development projects, the establishment of versatile, orderly, cost-effective, and environmentally sound land development regulations for designated areas is critical; and


WHEREAS, Arizona Revised Statutes Title 11, *Counties*, Chapter 6, *County Planning and Zoning*, which enables Counties to create Specific Zoning Districts; and

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF SANTA CRUZ COUNTY ORDAINS that the Official Zoning and Development Code of Santa Cruz County is hereby revised to define *Specific Zoning Plans*, as defined in Exhibit "A" attached to and incorporated herein as part of this Ordinance. These revisions shall become effective on July 5, 2023.

PASSED AND ADOPTED by the Santa Cruz County Board of Supervisors this 6th day of June 2023.


Bruce Bracker, Chairman

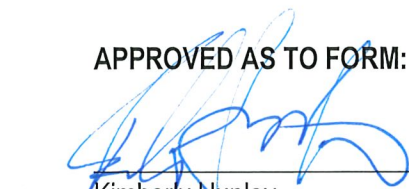

Manuel Ruiz, Vice-Chairman


Rudy Molera, Member

ATTEST:


Alma Schultz
Clerk of the Board

APPROVED AS TO FORM:


Kimberly Hunley
Chief Deputy County Attorney

Ordinance 2023-01
June 6, 2023
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**EXHIBIT A
(Article 31)**

ARTICLE 31 – SPECIFIC ZONING PLANS

---3101---	PURPOSE
---3102---	DEFINITIONS
---3103---	APPLICATION
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---3105---	SPECIFIC ZONING PLAN REQUIREMENTS
---3106---	PLANNING AND ZONING COMMISSION REVIEW
---3107---	BOARD OF SUPERVISORS REVIEW
---3108---	ORDINANCE ADOPTION AND AMENDMENT PROCEDURES
---3109---	PLAN IMPLEMENTATION REQUIREMENTS AND PROCEDURES

SEC. 3101 PURPOSE

A. The purpose of this chapter is to implement A.R.S. Section 11-807 by establishing uniform criteria and procedures for the review, adoption and implementation of Specific Zoning Plans within the unincorporated area of the Central Santa Cruz County Character Area (Greater Rio Rico Area) of Santa Cruz County, as is generally depicted below in *Figure 1*, in order to:

1. Provide a bridge between the County's Comprehensive Plan and individual development projects;
2. Establish, in an atmosphere of mutual consent, versatile, orderly, cost effective and environmentally sound land development regulations for designated areas;
3. Provide a mechanism for comprehensive planning for mixed use developments that comply with the Comprehensive Plan for Santa Cruz County in accordance with A.R.S. Section 11-807(D).



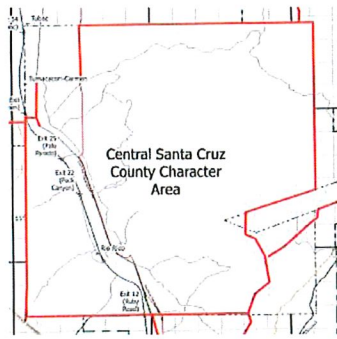


Figure 1. Central Santa Cruz County Character Area

SEC. 3102 DEFINITIONS

A. For purposes of this chapter only, the following terms shall mean:

1. Certificate of Compliance: A document signed by the Community Development Director or designee certifying as satisfied all Specific Zoning Plan conditions that are applicable for a particular development which are prerequisites to issuance of building permits for that development.

2. Specific Zoning Plan District: The area proposed or adopted for Specific Zoning Plan zoning. The Specific Zoning Plan District may be made up of two or more geographic areas, each a "development unit," which together comprise the Specific Zoning Plan District.

3. Community Development Director designee: When the Community Development Director is unavailable and in his/her professional judgment it is appropriate to designate someone to act in his/her stead (such as to assure continuity of process and procedures), the Community Development Director may designate another member of County Staff to act as designee for such purpose, or if the Community Development Director is unavailable to make that determination, the designation may be made by the County Manager.

4. Substantial Change, in an application for rezoning regarding a Special Zoning Planning District exists when any one or more of the following occur:

a. an increase in density, if the number of residences per acre (R/AC) increases by ten percent or greater; or

b. a change of a special condition of rezoning; that is, when change is to be made to quantified physical dimensions which were established in a special condition to adapt to specific site characteristics or mitigate development impacts on the site and surrounding neighborhood. Example of such dimensions include setbacks, heights, natural areas, when these are stated in special condition; or

c. a change of a special condition which states that only a specific set of uses of the zone are permitted on the subject property. See Section 402(E).



5. Insubstantial change: Any change that does not qualify as a "Substantial Change."

SEC. 3103 APPLICATION

A. Staff consultation: The applicant shall consult with the Community Development Department prior to application in order to review procedures and possible plan requirements.

B. Applicant: A Specific Zoning Plan shall be requested by filing a Specific Zoning Plan application and shall be made only by:

1. The property owner(s) of the subject property; or
2. An agent for the property owner(s); or
3. Santa Cruz County, upon initiation by the Board of Supervisors or the Planning and Zoning Commission.

C. Restrictions on application:

1. Consent: The written consent of one hundred percent of property owners of record within the proposed Specific Zoning Plan District shall be required at the time of application submittal. If proper ownership of a parcel is in question, the applicant shall be responsible for furnishing written proof of the indicated ownership and authorization for signature.

2. Configuration: The proposed Specific Zoning Plan District shall be defined by the plan boundary and shall not create an area that is not within the plan but is surrounded on all sides by the plan boundary.

D. Submittals:

1. All Specific Zoning Plan applications shall include, at a minimum:
 - a. A completed and signed application form;
 - b. The tax code number and a legal description of the property;
 - c. A precise map showing the proposed Specific Zoning Plan District and boundary;
 - d. The written consent of all property owners within the Specific Zoning Plan District and a list, by name and title, of all ownership interest (e.g., individual, corporate, trust or limited partnership) in the property;
 - e. If applicable, a letter of authorization from the owner, with the owner's original or electronic signature designating an agent to represent the property owner;
 - f. Specific Zoning Plan Conceptual Site Map and illustrations done in accordance with Section 3105;
 - g. Text elements done in accordance with Section 3105;



2. Applicable Specific Zoning Plan fees in accordance with the adopted fees schedule.

E. Specific Zoning Plan compliance with Comprehensive Plan:

1. The Community Development Director ("Director") shall determine if a Specific Zoning Plan application complies with the Comprehensive Plan, including any assured water supply requirements, or if submitted as a concurrent Plan Amendment, it will comply with the Comprehensive Plan. If the Specific Zoning Plan application involves offering for sale or lease "subdivided lands" within the meaning of A.R.S. § 32-2101, then prior to approval of any plat by the appropriate approval authority, the person who proposes to offer the subdivided lands for sale or lease shall either (1) obtain a certificate of assured water supply from the Arizona Department of Water Resources; (2) obtain a written commitment of water service for the subdivision from a water supplier that the Arizona Department of Water Resources has designated as having an assured water supply; or (3) demonstrate that a certificate of assured water supply is not required pursuant to A.R.S. §§ 45-576(G or J), court judgment, or any other applicable legal authority. If a certificate of assured water supply is required, the person who proposes to offer subdivided lands for sale or lease shall meet all applicable statutory and regulatory requirements, including by demonstrating that (1) sufficient groundwater, surface water or effluent will be continuously available to satisfy the water needs of the proposed use for at least one hundred years; (2) the proposed water source is of adequate quality; (3) there is adequate financial capability to construct the water facilities necessary to make the supply of water available for the proposed use; and (4) if groundwater will be used, that the groundwater use is consistent with the applicable management plan and achievement of the management goal for the Santa Cruz Active Management Area. See A.R.S. § 45-456(L).

2. If the zoning classifications proposed in the Specific Zoning Plan area comply with each land use intensity category and the minimum and maximum gross density limitations in which the subject property is located and the Director determines that the Specific Zoning Plan meets the intent of the policies of the Comprehensive Plan, including any special district plans, the Specific Plan application shall be determined to be in compliance with the Comprehensive Plan.

3. Specific Zoning Plans determined to not be in compliance with the Comprehensive Plan shall not be set for a public hearing until the applicant has submitted, an application to amend the Comprehensive Plan.

4. A determination as to whether or not a Specific Zoning Plan is in compliance with the Comprehensive Plan may be appealed to the Commission by the property owner(s) within the proposed Specific Zoning Plan, provided such an appeal is requested in writing within thirty calendar days from the date of determination.

5. The Director shall notify the applicant of the determination regarding compliance with the Comprehensive Plan within twenty calendar days of submittal of a complete application.



F. Staff review coordination: The Community Development Department shall coordinate the comments and requirements of applicable County departments and other agencies.

SEC. 3104 PLAN INITIATION

A. Specific Zoning Plan requests are deemed to be initiated upon complete application.

SEC. 3105 SPECIFIC ZONING PLAN REQUIREMENTS.

A. Site Analysis Requirements:

1. A site analysis generally explaining and illustrating the property within the proposed Specific Zoning Plan and its existing topography and other development-related conditions and characteristics.

2. The site analysis shall become part of the adopted Specific Zoning Plan regulations.

B. Specific Zoning Plan requirements:

1. Map elements:

- a. Identification of primary land uses;
- b. Adjacent lots and parcels within one hundred fifty feet of the plan boundary;
- c. Open space, recreational facilities, parks, trails;
- d. Public, educational, and religious facilities;
- e. Drainage plan;
- f. Name, location and extent of existing or proposed major and collector streets located within the planning area;
- g. Location and extent of existing or proposed provisions for sewage disposal, effluent use, storm water drainage, solid waste disposal and public utilities.

2. Text elements:

- a. The detailed regulations and programs for the systematic implementation of the Specific Zoning Plan, including plan amendment procedures and regulations and density transfer limitations (which, if applicable, shall comply with Section 3108(B));
- b. Specific development standards for the map elements
- c. Hydrology analysis
- d. Standards for the phasing, construction, and maintenance of major and collector streets proposed for the planning area or needed for servicing the project;



e. Standards for the phasing, construction, and maintenance of sewage disposal, effluent use, storm water drainage, solid waste disposal and public utilities;

f. Standards, if applicable, for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife;

g. The methods of conservation (if any) for scenic natural and built features and viewsheds;

h. General landscape plan(s) in compliance with Article 19 of the Zoning and Development Code;

i. For single-phase plans, a draft schedule for the preservation of site features established by the plan and the construction, dedication and provision of public services;

j. For multi-phased plans;

1) A draft phasing schedule for the preservation of site features established by the plan, the development of the various master blocks of the Specific Zoning Plan, and the construction, dedication and provision of public services, and

2) The draft form of master assurances to be recorded prior to ordinance adoption.

3. The plan text will specify how and to what extent the Specific Zoning Plan is to supplement or supersede adopted County zoning regulations.

C. Public hearing fees: Specific Zoning Plan public hearing fees are required at the time of submittal of the Specific Zoning Plan and are payable to the County treasurer in accordance with the fees schedule adopted by County ordinance.

SEC. 3106 PLANNING AND ZONING COMMISSION REVIEW

A. Staff Review:

1. The applicant shall submit the Specific Zoning Plan and site analysis to the Community Development Department for review and comment.

2. The plan shall be reviewed as follows:

a. Planning staff shall review the documents and notify the applicant of their adequacy for Commission public hearing and the determination regarding compliance with the Comprehensive Plan within thirty days of submittal.

b. If no changes have been recommended, planning staff shall schedule the plan for a public hearing. Comments on changes shall be returned within ten days of receipt of such changes.



3. When the Specific Zoning Plan request is scheduled for public hearing, the Community Development Department shall prepare a report which, at a minimum:

- a. Discusses and determines the extent to which the proposal is in compliance with both the land use intensity categories and plan policies;
- b. Assesses the site analysis;
- c. Analyzes the expected impact of the proposed development on the site and surroundings;
- d. Contains a departmental recommendation to the Commission;
- e. Recommends (if necessary) special regulations for the proposed Specific Zoning Plan;
- f. Includes the comments and conditions of other affected County departments and public agencies.

4. Availability of Report: The staff report shall be available for public inspection at least five calendar days prior to the date of Commission public hearing.

B. Public Review and Comment:

1. The applicant shall provide written proof of contact and offer of meeting sent first class mail to all property owners of record within 300' of the proposed Specific Zoning District to Community Development at least thirty days prior to the date of public hearing by the Commission.

2. At the meeting, copies of the site analysis and proposed Specific Zoning Plan that have been accepted for public hearing shall be available.

C. Study Session: A Planning and Zoning Commission study session for review of the Specific Zoning Plan may be scheduled after submittal of the Specific Zoning Plan. Upon majority vote of the Commission, and after proper notice, the study session may be held at or near the Specific Zoning Plan site.

D. Public Notice:

1. A minimum of fifteen days prior to the hearing, the Community Development Department shall provide notice by:

- a. Publication once in a newspaper of general circulation in the County seat; and
- b. Posting of the property to be considered at the hearing; and
- c. Mailing written notice to all property owners within the Specific Zoning Plan District and all property owners within six hundred feet of the District.



2. Failure to provide written notice to, or the omission of the name of, a property owner shall not invalidate an action of the Commission.

E. Public Hearing.

1. After proper public notice, the Planning and Zoning Commission shall hold a public hearing on the application, at which all interested parties shall be heard.

2. The Commission shall recommend regulations necessary to protect the public health, safety and welfare, and may recommend regulations unique to the plan or special instructions for plan administration.

3. The Commission shall vote by separate motion on Specific Zoning Plan regulations that supplement or supersede adopted County zoning regulations.

4. The Commission may continue the public hearing, for a definite time not to exceed three months, on its own initiative or at the request of the applicant.

5. After the public hearing, the Community Development Department shall transmit the findings and recommendations of the Commission to the Board of Supervisors.

6. The Community Development Department may also transmit alternative recommendations when Staff and Commission opinions differ.

SEC. 3107 BOARD OF SUPERVISORS REVIEW

A. Public notice: Public notice of the Board of Supervisors hearing shall be provided in accordance with Section 3106(E).

B. Voting requirement:

1. A majority vote of all members of the Board of Supervisors shall be required for approval.

C. Public hearing:

1. After proper public notice, the Board of Supervisors shall hold a public hearing on the application, at which all interested parties shall be heard.

2. The supervisors may continue the public hearing on their own initiative or at the request of the applicant or affected property owners.

3. The supervisors may approve the Specific Zoning Plan, amend Planning and Zoning Commission recommendations or approve additional Specific Zoning Plan conditions, or deny the request.

4. The supervisors may vote by separate motion on Specific Zoning Plan regulations that supplement or supersede adopted County zoning regulations.



SEC. 3108 ORDINANCE ADOPTION AND AMENDMENT PROCEDURES**A. Specific Zoning Plan ordinance adoption:**

1. The Board of Supervisors shall adopt an ordinance changing the zoning district to the Specific Zoning Plan District no later than thirty days after Specific Zoning Plan approval.
2. Existing zoning and the land use plan recommendation for the property shall remain in effect and permits based on the approved Specific Zoning Plan shall not be issued until a Specific Zoning Plan ordinance for the property is adopted by the supervisors.
3. Upon adoption of the Specific Zoning Plan ordinance, the Specific Zoning Plan shall become the zoning district of the subject property and shall replace the existing zoning designation on the official County zoning map.

B. Residential Density Transfer:

1. The Community Development Director or designee may permit the transfer of residential densities to more suitable locations within the Specific Zoning Plan; provided:
 - a. The locations and procedures for such residential density transfers are identified within the Specific Zoning Plan; and
 - b. The overall residential density of the Specific Zoning Plan is not exceeded.
2. The Specific Zoning Plan shall identify residential density donor development units and residential recipient development units within which residential density transfers are permitted.
3. The total number of residential units transferred to a recipient development unit shall not exceed twenty-five percent of the dwelling units established for such development unit; individual specific plans may establish a lower maximum transfer percentage. Any transfer greater than twenty-five percent of the number of dwelling units established for the recipient development unit is a substantial change.

C. Specific Zoning Plan substantial changes:

1. Scope: All Specific Zoning Plans shall describe in sufficient detail the criteria and process for amendment based on the minimum requirements of this section.
2. Consistency: All Specific Zoning Plan amendments shall be in substantial conformance with the remainder of the Specific Zoning Plan and shall be in compliance with the comprehensive plan in accordance with Section 3103(E).
3. Procedure:
 - a. The owner or agent of the property may submit to the Community Development Department a written application to amend one or more of the Specific Zoning Plan regulations;



b. The request shall be accompanied by an explanation of the circumstances justifying the requested amendments;

c. The Community Development Director or designee shall determine if the amendment would result in a substantial change in Specific Zoning Plan regulations, which is a change in a:

1) Density regulation, if the number of residences per acre increases by more than ten percent or exceeds the maximum number of dwelling units (dwelling-unit cap) permitted within the plan; or

2) Policy regulation, when the regulation is a policy or a variation of a policy contained in an applicable land use plan; or

3) Design regulation, when change is to be made to quantified physical dimensions (such as buffers) which were established to adapt the Specific Zoning Plan to specific site characteristics or mitigate development impacts on the Specific Zoning Plan site and surrounding area; or

4) Use regulation, when a use not otherwise permitted in the Specific Zoning Plan or no more intense than a permitted use is sought.

d. If the request is determined to be an insubstantial change, the proposed amendment may be administratively approved by the Community Development Director or designee and shall not require a noticed public hearing or action by the Planning and Zoning Commission or Board of Supervisors.

e. If the request is determined to be a substantial change, the Community Development Director or designee shall refer the request to the commission for noticed public hearing and recommendation prior to public hearing by the supervisors. Specific Zoning Plan substantial changes that occur after Board of Supervisors' approval of the Specific Zoning Plan are subject to protest petition procedures.

f. A substantial change may require, as determined necessary by the Community Development Director or designee, submittal of an amended site analysis.

g. For all hearings, the Community Development Department shall prepare a staff report.

SEC. 3109 PLAN IMPLEMENTATION REQUIREMENTS AND PROCEDURES

A. Plan Administration: The Community Development Department is the lead agency for the administration of Specific Zoning Plans and shall coordinate the procedures and review by applicable County departments and other agencies.

B. Plan Implementation Procedures:

1. The implementation of Specific Zoning Plans shall be in accordance with the procedures provided in the Specific Zoning Plan.



2. Specific Zoning Plans may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the Specific Zoning Plan.

C. Assurances:

1. Standard assurances in accordance with Section 1504.4.2.K (Specific Approvals, Dedications, and Certification Requirements) are required for Specific Zoning Plans that include the subdivision of land.

D. Plan Implementation Monitoring:

1. Every five years (or more frequently if required by the Community Development Director), the principal owner or developer of the Specific Zoning Plan shall prepare an implementation monitoring report for administrative review by applicable County departments.

2. The report shall describe in acceptable form and detail:

a. Project adherence to schedules established by the Specific Zoning Plan;

b. The total number of dwelling units built, platted and permitted; and

c. Such items (if any) as shall be established by adopted County policy and provided in writing to the principal owner or developer.

E. Plan Enforcement: The enforcement of Specific Zoning Plan regulations shall be in accordance with A.R.S. §11-815.



ARTICLE 31 – SPECIFIC ZONING PLANS

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---3109---	PLAN IMPLEMENTATION REQUIREMENTS AND PROCEDURES

SEC. 3101 PURPOSE

A. The purpose of this chapter is to implement A.R.S. Section 11-807 by establishing uniform criteria and procedures for the review, adoption and implementation of Specific Zoning Plans within the unincorporated area of the Central Santa Cruz County Character Area (Greater Rio Rico Area) of Santa Cruz County, as is generally depicted below in *Figure 1*, in order to:

1. Provide a bridge between the County's Comprehensive Plan and individual development projects;
2. Establish, in an atmosphere of mutual consent, versatile, orderly, cost effective and environmentally sound land development regulations for designated areas;
3. Provide a mechanism for comprehensive planning for mixed use developments that comply with the Comprehensive Plan for Santa Cruz County in accordance with A.R.S. Section 11-807(D).



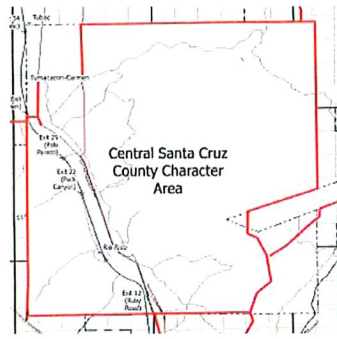


Figure 1. Central Santa Cruz County Character Area

SEC. 3102 DEFINITIONS

A. For purposes of this chapter only, the following terms shall mean:

1. Certificate of Compliance: A document signed by the Community Development Director or designee certifying as satisfied all Specific Zoning Plan conditions that are applicable for a particular development which are prerequisites to issuance of building permits for that development.

2. Specific Zoning Plan District: The area proposed or adopted for Specific Zoning Plan zoning. The Specific Zoning Plan District may be made up of two or more geographic areas, each a "development unit," which together comprise the Specific Zoning Plan District.

3. Community Development Director designee: When the Community Development Director is unavailable and in his/her professional judgment it is appropriate to designate someone to act in his/her stead (such as to assure continuity of process and procedures), the Community Development Director may designate another member of County Staff to act as designee for such purpose, or if the Community Development Director is unavailable to make that determination, the designation may be made by the County Manager.

4. Substantial Change, in an application for rezoning regarding a Special Zoning Planning District exists when any one or more of the following occur:

a. an increase in density, if the number of residences per acre (R/AC) increases by ten percent or greater; or

b. a change of a special condition of rezoning; that is, when change is to be made to quantified physical dimensions which were established in a special condition to adapt to specific site characteristics or mitigate development impacts on the site and surrounding neighborhood. Example of such dimensions include setbacks, heights, natural areas, when these are stated in special condition; or

c. a change of a special condition which states that only a specific set of uses of the zone are permitted on the subject property. See Section 402(E).



5. Insubstantial change: Any change that does not qualify as a "Substantial Change."

SEC. 3103 APPLICATION

A. Staff consultation: The applicant shall consult with the Community Development Department prior to application in order to review procedures and possible plan requirements.

B. Applicant: A Specific Zoning Plan shall be requested by filing a Specific Zoning Plan application and shall be made only by:

1. The property owner(s) of the subject property; or
2. An agent for the property owner(s); or
3. Santa Cruz County, upon initiation by the Board of Supervisors or the Planning and Zoning Commission.

C. Restrictions on application:

1. Consent: The written consent of one hundred percent of property owners of record within the proposed Specific Zoning Plan District shall be required at the time of application submittal. If proper ownership of a parcel is in question, the applicant shall be responsible for furnishing written proof of the indicated ownership and authorization for signature.

2. Configuration: The proposed Specific Zoning Plan District shall be defined by the plan boundary and shall not create an area that is not within the plan but is surrounded on all sides by the plan boundary.

D. Submittals:

1. All Specific Zoning Plan applications shall include, at a minimum:
 - a. A completed and signed application form;
 - b. The tax code number and a legal description of the property;
 - c. A precise map showing the proposed Specific Zoning Plan District and boundary;
 - d. The written consent of all property owners within the Specific Zoning Plan District and a list, by name and title, of all ownership interest (e.g., individual, corporate, trust or limited partnership) in the property;
 - e. If applicable, a letter of authorization from the owner, with the owner's original or electronic signature designating an agent to represent the property owner;
 - f. Specific Zoning Plan Conceptual Site Map and illustrations done in accordance with Section 3105;
 - g. Text elements done in accordance with Section 3105;



2. Applicable Specific Zoning Plan fees in accordance with the adopted fees schedule.

E. Specific Zoning Plan compliance with Comprehensive Plan:

1. The Community Development Director ("Director") shall determine if a Specific Zoning Plan application complies with the Comprehensive Plan, including any assured water supply requirements, or if submitted as a concurrent Plan Amendment, it will comply with the Comprehensive Plan. If the Specific Zoning Plan application involves offering for sale or lease "subdivided lands" within the meaning of A.R.S. § 32-2101, then prior to approval of any plat by the appropriate approval authority, the person who proposes to offer the subdivided lands for sale or lease shall either (1) obtain a certificate of assured water supply from the Arizona Department of Water Resources; (2) obtain a written commitment of water service for the subdivision from a water supplier that the Arizona Department of Water Resources has designated as having an assured water supply; or (3) demonstrate that a certificate of assured water supply is not required pursuant to A.R.S. §§ 45-576(G or J), court judgment, or any other applicable legal authority. If a certificate of assured water supply is required, the person who proposes to offer subdivided lands for sale or lease shall meet all applicable statutory and regulatory requirements, including by demonstrating that (1) sufficient groundwater, surface water or effluent will be continuously available to satisfy the water needs of the proposed use for at least one hundred years; (2) the proposed water source is of adequate quality; (3) there is adequate financial capability to construct the water facilities necessary to make the supply of water available for the proposed use; and (4) if groundwater will be used, that the groundwater use is consistent with the applicable management plan and achievement of the management goal for the Santa Cruz Active Management Area. See A.R.S. § 45-456(L).

2. If the zoning classifications proposed in the Specific Zoning Plan area comply with each land use intensity category and the minimum and maximum gross density limitations in which the subject property is located and the Director determines that the Specific Zoning Plan meets the intent of the policies of the Comprehensive Plan, including any special district plans, the Specific Plan application shall be determined to be in compliance with the Comprehensive Plan.

3. Specific Zoning Plans determined to not be in compliance with the Comprehensive Plan shall not be set for a public hearing until the applicant has submitted, an application to amend the Comprehensive Plan.

4. A determination as to whether or not a Specific Zoning Plan is in compliance with the Comprehensive Plan may be appealed to the Commission by the property owner(s) within the proposed Specific Zoning Plan, provided such an appeal is requested in writing within thirty calendar days from the date of determination.

5. The Director shall notify the applicant of the determination regarding compliance with the Comprehensive Plan within twenty calendar days of submittal of a complete application.



F. Staff review coordination: The Community Development Department shall coordinate the comments and requirements of applicable County departments and other agencies.

SEC. 3104 PLAN INITIATION

A. Specific Zoning Plan requests are deemed to be initiated upon complete application.

SEC. 3105 SPECIFIC ZONING PLAN REQUIREMENTS.

A. Site Analysis Requirements:

1. A site analysis generally explaining and illustrating the property within the proposed Specific Zoning Plan and its existing topography and other development-related conditions and characteristics.

2. The site analysis shall become part of the adopted Specific Zoning Plan regulations.

B. Specific Zoning Plan requirements:

1. Map elements:

- a. Identification of primary land uses;
- b. Adjacent lots and parcels within one hundred fifty feet of the plan boundary;
- c. Open space, recreational facilities, parks, trails;
- d. Public, educational, and religious facilities;
- e. Drainage plan;
- f. Name, location and extent of existing or proposed major and collector streets located within the planning area;
- g. Location and extent of existing or proposed provisions for sewage disposal, effluent use, storm water drainage, solid waste disposal and public utilities.

2. Text elements:

- a. The detailed regulations and programs for the systematic implementation of the Specific Zoning Plan, including plan amendment procedures and regulations and density transfer limitations (which, if applicable, shall comply with Section 3108(B));
- b. Specific development standards for the map elements
- c. Hydrology analysis
- d. Standards for the phasing, construction, and maintenance of major and collector streets proposed for the planning area or needed for servicing the project;



e. Standards for the phasing, construction, and maintenance of sewage disposal, effluent use, storm water drainage, solid waste disposal and public utilities;

f. Standards, if applicable, for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife;

g. The methods of conservation (if any) for scenic natural and built features and viewsheds;

h. General landscape plan(s) in compliance with Article 19 of the Zoning and Development Code;

i. For single-phase plans, a draft schedule for the preservation of site features established by the plan and the construction, dedication and provision of public services;

j. For multi-phased plans;

1) A draft phasing schedule for the preservation of site features established by the plan, the development of the various master blocks of the Specific Zoning Plan, and the construction, dedication and provision of public services, and

2) The draft form of master assurances to be recorded prior to ordinance adoption.

3. The plan text will specify how and to what extent the Specific Zoning Plan is to supplement or supersede adopted County zoning regulations.

C. Public hearing fees: Specific Zoning Plan public hearing fees are required at the time of submittal of the Specific Zoning Plan and are payable to the County treasurer in accordance with the fees schedule adopted by County ordinance.

SEC. 3106 PLANNING AND ZONING COMMISSION REVIEW

A. Staff Review:

1. The applicant shall submit the Specific Zoning Plan and site analysis to the Community Development Department for review and comment.

2. The plan shall be reviewed as follows:

a. Planning staff shall review the documents and notify the applicant of their adequacy for Commission public hearing and the determination regarding compliance with the Comprehensive Plan within thirty days of submittal.

b. If no changes have been recommended, planning staff shall schedule the plan for a public hearing. Comments on changes shall be returned within ten days of receipt of such changes.



3. When the Specific Zoning Plan request is scheduled for public hearing, the Community Development Department shall prepare a report which, at a minimum:

- a. Discusses and determines the extent to which the proposal is in compliance with both the land use intensity categories and plan policies;
- b. Assesses the site analysis;
- c. Analyzes the expected impact of the proposed development on the site and surroundings;
- d. Contains a departmental recommendation to the Commission;
- e. Recommends (if necessary) special regulations for the proposed Specific Zoning Plan;
- f. Includes the comments and conditions of other affected County departments and public agencies.

4. Availability of Report: The staff report shall be available for public inspection at least five calendar days prior to the date of Commission public hearing.

B. Public Review and Comment:

1. The applicant shall provide written proof of contact and offer of meeting sent first class mail to all property owners of record within 300' of the proposed Specific Zoning District to Community Development at least thirty days prior to the date of public hearing by the Commission.

2. At the meeting, copies of the site analysis and proposed Specific Zoning Plan that have been accepted for public hearing shall be available.

C. Study Session: A Planning and Zoning Commission study session for review of the Specific Zoning Plan may be scheduled after submittal of the Specific Zoning Plan. Upon majority vote of the Commission, and after proper notice, the study session may be held at or near the Specific Zoning Plan site.

D. Public Notice:

1. A minimum of fifteen days prior to the hearing, the Community Development Department shall provide notice by:

- a. Publication once in a newspaper of general circulation in the County seat; and
- b. Posting of the property to be considered at the hearing; and
- c. Mailing written notice to all property owners within the Specific Zoning Plan District and all property owners within six hundred feet of the District.



2. Failure to provide written notice to, or the omission of the name of, a property owner shall not invalidate an action of the Commission.

E. Public Hearing.

1. After proper public notice, the Planning and Zoning Commission shall hold a public hearing on the application, at which all interested parties shall be heard.

2. The Commission shall recommend regulations necessary to protect the public health, safety and welfare, and may recommend regulations unique to the plan or special instructions for plan administration.

3. The Commission shall vote by separate motion on Specific Zoning Plan regulations that supplement or supersede adopted County zoning regulations.

4. The Commission may continue the public hearing, for a definite time not to exceed three months, on its own initiative or at the request of the applicant.

5. After the public hearing, the Community Development Department shall transmit the findings and recommendations of the Commission to the Board of Supervisors.

6. The Community Development Department may also transmit alternative recommendations when Staff and Commission opinions differ.

SEC. 3107 BOARD OF SUPERVISORS REVIEW

A. Public notice: Public notice of the Board of Supervisors hearing shall be provided in accordance with Section 3106(E).

B. Voting requirement:

1. A majority vote of all members of the Board of Supervisors shall be required for approval.

C. Public hearing:

1. After proper public notice, the Board of Supervisors shall hold a public hearing on the application, at which all interested parties shall be heard.

2. The supervisors may continue the public hearing on their own initiative or at the request of the applicant or affected property owners.

3. The supervisors may approve the Specific Zoning Plan, amend Planning and Zoning Commission recommendations or approve additional Specific Zoning Plan conditions, or deny the request.

4. The supervisors may vote by separate motion on Specific Zoning Plan regulations that supplement or supersede adopted County zoning regulations.



SEC. 3108 ORDINANCE ADOPTION AND AMENDMENT PROCEDURES**A. Specific Zoning Plan ordinance adoption:**

1. The Board of Supervisors shall adopt an ordinance changing the zoning district to the Specific Zoning Plan District no later than thirty days after Specific Zoning Plan approval.
2. Existing zoning and the land use plan recommendation for the property shall remain in effect and permits based on the approved Specific Zoning Plan shall not be issued until a Specific Zoning Plan ordinance for the property is adopted by the supervisors.
3. Upon adoption of the Specific Zoning Plan ordinance, the Specific Zoning Plan shall become the zoning district of the subject property and shall replace the existing zoning designation on the official County zoning map.

B. Residential Density Transfer:

1. The Community Development Director or designee may permit the transfer of residential densities to more suitable locations within the Specific Zoning Plan; provided:
 - a. The locations and procedures for such residential density transfers are identified within the Specific Zoning Plan; and
 - b. The overall residential density of the Specific Zoning Plan is not exceeded.
2. The Specific Zoning Plan shall identify residential density donor development units and residential recipient development units within which residential density transfers are permitted.
3. The total number of residential units transferred to a recipient development unit shall not exceed twenty-five percent of the dwelling units established for such development unit; individual specific plans may establish a lower maximum transfer percentage. Any transfer greater than twenty-five percent of the number of dwelling units established for the recipient development unit is a substantial change.

C. Specific Zoning Plan substantial changes:

1. Scope: All Specific Zoning Plans shall describe in sufficient detail the criteria and process for amendment based on the minimum requirements of this section.
2. Consistency: All Specific Zoning Plan amendments shall be in substantial conformance with the remainder of the Specific Zoning Plan and shall be in compliance with the comprehensive plan in accordance with Section 3103(E).
3. Procedure:
 - a. The owner or agent of the property may submit to the Community Development Department a written application to amend one or more of the Specific Zoning Plan regulations;



b. The request shall be accompanied by an explanation of the circumstances justifying the requested amendments;

c. The Community Development Director or designee shall determine if the amendment would result in a substantial change in Specific Zoning Plan regulations, which is a change in a:

1) Density regulation, if the number of residences per acre increases by more than ten percent or exceeds the maximum number of dwelling units (dwelling-unit cap) permitted within the plan; or

2) Policy regulation, when the regulation is a policy or a variation of a policy contained in an applicable land use plan; or

3) Design regulation, when change is to be made to quantified physical dimensions (such as buffers) which were established to adapt the Specific Zoning Plan to specific site characteristics or mitigate development impacts on the Specific Zoning Plan site and surrounding area; or

4) Use regulation, when a use not otherwise permitted in the Specific Zoning Plan or no more intense than a permitted use is sought.

d. If the request is determined to be an insubstantial change, the proposed amendment may be administratively approved by the Community Development Director or designee and shall not require a noticed public hearing or action by the Planning and Zoning Commission or Board of Supervisors.

e. If the request is determined to be a substantial change, the Community Development Director or designee shall refer the request to the commission for noticed public hearing and recommendation prior to public hearing by the supervisors. Specific Zoning Plan substantial changes that occur after Board of Supervisors' approval of the Specific Zoning Plan are subject to protest petition procedures.

f. A substantial change may require, as determined necessary by the Community Development Director or designee, submittal of an amended site analysis.

g. For all hearings, the Community Development Department shall prepare a staff report.

SEC. 3109 PLAN IMPLEMENTATION REQUIREMENTS AND PROCEDURES

A. Plan Administration: The Community Development Department is the lead agency for the administration of Specific Zoning Plans and shall coordinate the procedures and review by applicable County departments and other agencies.

B. Plan Implementation Procedures:

1. The implementation of Specific Zoning Plans shall be in accordance with the procedures provided in the Specific Zoning Plan.



2. Specific Zoning Plans may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the Specific Zoning Plan.

C. Assurances:

1. Standard assurances in accordance with Section 1504.4.2.K (Specific Approvals, Dedications, and Certification Requirements) are required for Specific Zoning Plans that include the subdivision of land.

D. Plan Implementation Monitoring:

1. Every five years (or more frequently if required by the Community Development Director), the principal owner or developer of the Specific Zoning Plan shall prepare an implementation monitoring report for administrative review by applicable County departments.

2. The report shall describe in acceptable form and detail:

- a. Project adherence to schedules established by the Specific Zoning Plan;
- b. The total number of dwelling units built, platted and permitted; and
- c. Such items (if any) as shall be established by adopted County policy and provided in writing to the principal owner or developer.

E. Plan Enforcement: The enforcement of Specific Zoning Plan regulations shall be in accordance with A.R.S. §11-815.





**SANTA CRUZ COUNTY
DEPARTMENT OF COMMUNITY
DEVELOPMENT
PLANNING DIVISION**

**STAFF REPORT TO THE
PLANNING & ZONING COMMISSION**

TEXT AMENDMENT

PZ-23-01

**Hearing Date:
May 25, 2023**

TITLE: Text Amendments to the Santa Cruz Zoning and Development Code to Adopt New Use Standards for "Specific Zoning Plans"

PREPARED BY: Frank Dillon, Community Development Director

LEGAL REVIEW BY: William Moran, Attorney, Civil Division

OVERVIEW: At the request of the Santa Cruz County Board of Supervisors, a new Article 31, *Specific Zoning Plans*, is proposed to implement A.R.S. Section 11-807 by establishing uniform criteria and procedures for the review, adoption and implementation of Specific Zoning Plans within the unincorporated area of Santa Cruz County, in order to provide a bridge between the County's Comprehensive Plan and individual development projects and establish, in an atmosphere of mutual consent, versatile, orderly, cost effective and environmentally sound land development regulations for designated areas.

BACKGROUND: On December 20, 2022, the Santa Cruz County Board of Supervisors adopted Resolution 2022-22 in support of land use and economic development initiatives to encourage, employment, industry sector growth and education opportunities within the Rio Rico/I-19 corridor. As a result of the resolution, staff was directed to research land use / zoning tools to help catalyze development targeting the aforementioned uses along the I-19 corridor in Rio Rico.

PROPOSED NEW ARTICLE 31: Currently, the Santa Cruz County Zoning and Development Code has no regulatory mechanism to address proposed planned developments that involve a variety of uses that are not tied to existing underlying zoning. Santa Cruz County Zoning and Development Code, Article 12, *Planned Area Development (PAD)*, Sec. 1201 states:

"The PAD is an overlay that shall be used in conjunction with the underlying zoning districts described in this Code."

A review of current zoning best practices and regulatory tools utilized by other jurisdictions indicated that Specific Zoning Plans are used as an effective tool for incentivizing and facilitating comprehensively planned developments that involve a variety of different and compatible uses.

Similar to a PAD, Specific Zoning Plans are a type of rezoning / zoning overlay district that allow flexibility for a developer to propose new zoning regulations for a planned development to accommodate different uses consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Where Specific Plans differ from the PAD, is that the proposed uses do not have to be tied to the underlying regulations of the existing zoning district(s). A Specific Plan is a planning tool used to establish new zoning regulations and uses on parcels of land providing versatile, orderly, cost effective, and environmentally sound land development regulations.

A Specific Plan application requires an applicant to demonstrate compliance through submittal requirements outlined in Sec. 3105, resulting in a stand-alone regulatory planning document that meets statutory notification requirements and is reviewed by staff, Planning and Zoning and the Board of Supervisors.

STATUTORY CONSIDERATIONS: Arizona Revised Statutes A.R.S. Section 11-807, *Specific Zoning Plans: Adoption; Administration; Contents.*

PUBLIC INPUT/COMMENT: To date, no public comments have been received on the proposed new article. Any comments received after this report is mailed will be presented at the Planning Commission and subsequent Board of Supervisors meeting.

STAFF RECOMMENDATION: Staff recommends approval of the text amendments to include Article 31 as presented.

SUGGESTED MOTION:

Recommend Approval: *Madam Chair, I move to recommend approval of Case No PZ-23-01 including all text amendments to the Santa Cruz County Zoning and Development Code as presented by staff.*

POSSIBLE ALTERNATIVE MOTIONS:

The Commission has the option to recommend denial of the text amendment.

Recommend Denial: *Madam Chair, I move to recommend denial of Case No PZ-23-01 including all text amendments to the Santa Cruz County Zoning and Development Code as presented by staff.*

ATTACHMENTS:

1. Article 31 Clean
2. Article 31 Redlines

3. Article 31 Revisions Table
4. Resolution 2022-22

ARTICLE 31 – SPECIFIC ZONING PLANS

3101 PURPOSE

3102 DEFINITIONS

3103 APPLICATION

3104 PLAN INITIATION

3105 SPECIFIC ZONING PLAN REQUIREMENTS

3106 PLANNING AND ZONING COMMISSION REVIEW

3107 BOARD OF SUPERVISORS REVIEW

3108 ORDINANCE ADOPTION AND AMENDMENT PROCEDURES

3109 PLAN IMPLEMENTATION REQUIREMENTS AND PROCEDURES

SEC. 3101 PURPOSE

A. The purpose of this chapter is to implement A.R.S. Section 11-807 by establishing uniform criteria and procedures for the review, adoption and implementation of Specific Zoning Plans within the unincorporated area of the Central Santa Cruz County Character Area (Greater Rio Rico Area) of Santa Cruz County, as is generally depicted below in Figure 1, in order to:

1. Provide a bridge between the County's Comprehensive Plan and individual development projects;
2. Establish, in an atmosphere of mutual consent, versatile, orderly, cost effective and environmentally sound land development regulations for designated areas;
3. Provide a mechanism for comprehensive planning for mixed use developments that comply with the Comprehensive Plan for Santa Cruz County in accordance with A.R.S. Section 11-807(D).

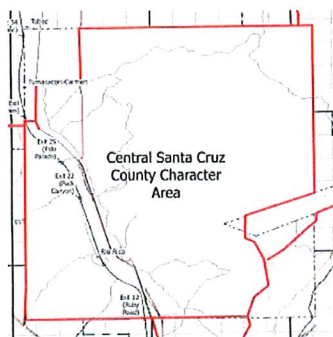


Figure 1. Central Santa Cruz County Character Area

SEC. 3102 DEFINITIONS

A. For purposes of this chapter only, the following terms shall mean:

1. Certificate of Compliance: A document signed by the Community Development Director or designee certifying as satisfied that all Specific Zoning Plan conditions that are applicable for a particular

development which are prerequisites to issuance of building permits for that development have been satisfied.

2. Specific Zoning Plan District: The area proposed or adopted for Specific Zoning Plan zoning. The Specific Zoning Plan District may be made up of two or more geographic areas, each a “development unit,” which together comprise the Specific Zoning Plan District.

3. **Community Development Director designee:** When the Community Development Director is unavailable and in his/her professional judgment it is appropriate to designate someone to act in his/her stead (such as to assure continuity of process and procedures), the Community Development Director may designate another member of County Staff to act as designee for such purpose, or if the Community Development Director is unavailable to make that determination, the designation may be made by the County Manager.

4. Substantial Change, in an application for rezoning regarding a Special Zoning Planning District exists when any one or more of the following occur:

a. an increase in density, if the number of residences per acre (R/AC) increases by ten percent or greater; or

b. a change of a special condition of rezoning; that is, when change is to be made to quantified physical dimensions which were established in a special condition to adapt to specific site characteristics or mitigate development impacts on the site and surrounding neighborhood. Example of such dimensions include setbacks, heights, natural areas, when these are stated in special condition; or

c. a change of a special condition which states that only a specific set of uses of the zone are permitted on the subject property. See Section 402(eE).

5. Insubstantial change: Any change that does not qualify as a “Substantial Change.”

SEC. 3103 APPLICATION

A. Staff consultation: The applicant shall consult with the Community Development Department prior to application in order to review procedures and possible plan requirements.

B. Applicant: A Specific Zoning Plan shall be requested by filing a Specific Zoning Plan application and shall be made only by:

1. The property owner(s) of the subject property; or
2. An agent for the property owner(s); or

3. Santa Cruz County, upon initiation by the Board of Supervisors or the Planning and Zoning Commission.

C. Restrictions on application:

1. Consent: The written consent of one hundred percent of property owners of record within the proposed Specific Zoning Plan District shall be required at the time of application submittal. If proper ownership of a parcel is in question, the applicant shall be responsible for furnishing written proof of the indicated ownership and authorization for signature.

2. Configuration: The proposed Specific Zoning Plan District shall be defined by the plan boundary and shall not create an area that is not within the plan but is surrounded on all sides by the plan boundary.

D. Submittals:

1. All Specific Zoning Plan applications shall include, at a minimum:
 - a. A completed and signed application form;
 - b. The tax code number and a legal description of the property;
 - c. A precise map showing the proposed Specific Zoning Plan District and boundary;
 - d. The written consent of all property owners within the Specific Zoning Plan District and a list, by name and title, of all ownership interest (e.g., individual, corporate, trust or limited partnership) in the property;
 - e. If applicable, a letter of authorization from the owner, with the owner's original or electronic signature designating an agent to represent the property owner;
 - f. Specific Zoning Plan Conceptual Site Map and illustrations done in accordance with Section 3105;
 - g. Text elements done in accordance with Section 3105;
2. Applicable Specific Zoning Plan fees in accordance with the adopted fees schedule.

E. Specific Zoning Plan compliance with Comprehensive Plan:

1. The Community Development Director ("Director") shall determine if a Specific Zoning Plan application complies with the Comprehensive Plan, including any assured water supply requirements, or if submitted as a concurrent Plan Amendment, it will comply with the Comprehensive Plan. If the Specific Zoning Plan application involves offering for sale or lease "subdivided lands" within the meaning of A.R.S. § 32-2101, then prior to approval of any plat by the appropriate approval authority, the person who proposes to offer the subdivided lands for sale or lease shall either (1) obtain a certificate of assured water supply from the Arizona Department of Water Resources; (2) obtain a written commitment of water service for the subdivision from a water supplier that the Arizona Department of Water Resources has designated as having an assured water supply; or (3) demonstrate that a certificate of assured water supply is not required pursuant to A.R.S. §§ 45-576(G or J), court judgment, or any other applicable legal authority. If a certificate of assured water supply is required, the person who proposes to offer subdivided lands for sale or lease shall meet all applicable statutory and regulatory requirements, including by demonstrating that (1) sufficient groundwater, surface water or effluent will be continuously available to satisfy the water needs of the proposed use for at least one hundred years; (2) the proposed water source is of adequate quality; (3) there is adequate financial capability to construct the water facilities necessary to make the supply of water available for the proposed use; and (4) if groundwater will be used, that the groundwater use is consistent with the applicable management plan and achievement of the management goal for the Santa Cruz Active Management Area. See A.R.S. § 45-456(L).

2. If the zoning classifications proposed in the Specific Zoning Plan area comply with each land use intensity category and the minimum and maximum gross density limitations in which the subject property is located and the Director determines that the Specific Zoning Plan meets the intent of the

policies of the Comprehensive Plan, including any special district plans, the Specific Plan application shall be determined to be in compliance with the Comprehensive Plan.

3. Specific Zoning Plans determined to not be in compliance with the Comprehensive Plan shall not be set for a public hearing until the applicant has submitted, an application to amend the Comprehensive Plan.

4. A determination as to whether or not a Specific Zoning Plan is in compliance with the Comprehensive Plan may be appealed to the Commission by the property owner(s) within the proposed Specific Zoning Plan, provided such an appeal is requested in writing within thirty calendar days from the date of determination.

5. The Director shall notify the applicant of the determination regarding compliance with the Comprehensive Plan within twenty calendar days of submittal of a complete application.

F. Staff review coordination: The Community Development Department shall coordinate the comments and requirements of applicable County departments and other agencies.

SEC. 3104 PLAN INITIATION

A. Specific Zoning Plan requests are deemed to be initiated upon complete application.

SEC. 3105 SPECIFIC ZONING PLAN REQUIREMENTS.

A. Site Analysis Requirements:

1. A site analysis generally explaining and illustrating the property within the proposed Specific Zoning Plan and its existing topography and other development-related conditions and characteristics.

2. The site analysis shall become part of the adopted Specific Zoning Plan regulations.

B. Specific Zoning Plan requirements:

1. Map elements:

a. Identification of primary land uses;

b. Adjacent lots and parcels within one hundred fifty feet of the plan boundary;

c. Open space, recreational facilities, parks, trails;

d. Public, educational, and religious facilities;

e. Drainage plan;

f. Name, location and extent of existing or proposed major and collector streets located within the planning area;

g. Location and extent of existing or proposed provisions for sewage disposal, effluent use, storm water drainage, solid waste disposal and public utilities.

2. Text elements:

a. The detailed regulations and programs for the systematic implementation of the Specific Zoning Plan, including plan amendment procedures and regulations and density transfer limitations (which, if applicable, shall comply with Section 3108(B));

- b. Specific development standards for the map elements
- c. Hydrology analysis
- d. Standards for the phasing, construction, and maintenance of major and collector streets proposed for the planning area or needed for servicing the project;
- e. Standards for the phasing, construction, and maintenance of sewage disposal, effluent use, storm water drainage, solid waste disposal and public utilities;
- f. Standards, if applicable, for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife;
- g. The methods of conservation (if any) for scenic natural and built features and viewsheds;
- h. General landscape plan(s) in compliance with Article 19 of the Zoning and Development Code program;
- i. For single-phase plans, a draft schedule for the preservation of site features established by the plan and the construction, dedication and provision of public services;
- j. For multi-phased plans;
 - 1) A draft phasing schedule for the preservation of site features established by the plan, the development of the various master blocks of the Specific Zoning Plan, and the construction, dedication and provision of public services, and
 - 2) The draft form of master assurances to be recorded prior to ordinance adoption.
- 3. The plan text will specify how and to what extent the Specific Zoning Plan is to supplement or supersede adopted County zoning regulations.
- C. Public hearing fees: Specific Zoning Plan public hearing fees are required at the time of submittal of the Specific Zoning Plan and are payable to the County treasurer in accordance with the fees schedule adopted by County ordinance.

SEC. 3106 PLANNING AND ZONING COMMISSION REVIEW

A. Staff Review:

- 1. The applicant shall submit the Specific Zoning Plan and site analysis to the Community Development Department for review and comment.
- 2. The plan shall be reviewed as follows:
 - a. Planning staff shall review the documents and notify the applicant of their adequacy for Commission public hearing and the determination regarding compliance with the Comprehensive Plan within thirty days of submittal.
 - b. If no changes have been recommended, planning staff shall schedule the plan for a public hearing. Comments on changes shall be returned within ten days of receipt of such changes.
- 3. When the Specific Zoning Plan request is scheduled for public hearing, the Community Development Department shall prepare a report which, at a minimum:

a. Discusses and determines the extent to which the proposal is in compliance with both the land use intensity categories and plan policies;

b. Assesses the site analysis;

c. Analyzes the expected impact of the proposed development on the site and surroundings;

d. Contains a departmental recommendation to the Commission;

e. Recommends (if necessary) special regulations for the proposed Specific Zoning Plan;

f. Includes the comments and conditions of other affected County departments and public agencies.

4. Availability of Report: The staff report shall be available for public inspection at least five calendar days prior to the date of Commission public hearing.

B. Public Review and Comment:

1. The applicant shall provide written proof of contact and offer of meeting sent first class mail to all property owners of record within 300' of the proposed Specific Zoning District to Community Development at least thirty days prior to the date of public hearing by the Commission.

2. At the meeting, copies of the site analysis and proposed Specific Zoning Plan that have been accepted for public hearing shall be available.

C. Study Session: A Planning and Zoning Commission study session for review of the Specific Zoning Plan may be scheduled after submittal of the Specific Zoning Plan. Upon majority vote of the Commission, and after proper notice, the study session may be held at or near the Specific Zoning Plan site. At the discretion of the Chair of the Commission, and after proper notice, the study session may be held at the Specific Zoning Plan site.

D. Public Notice:

1. A minimum of fifteen days prior to the hearing, the Community Development Department shall provide notice by:

a. Publication once in a newspaper of general circulation in the County seat; and

b. Posting of the property to be considered at the hearing; and

c. Mailing written notice to all property owners within the Specific Zoning Plan District and all property owners within six hundred feet of the District.

2. Failure to provide written notice to, or the omission of the name of, a property owner shall not invalidate an action of the Commission.

E. Public Hearing.

1. After proper public notice, the Planning and Zoning Commission shall hold a public hearing on the application, at which all interested parties shall be heard.

2. The Commission shall recommend regulations necessary to protect the public health, safety and welfare, and may recommend regulations unique to the plan or special instructions for plan administration.

3. The Commission shall vote by separate motion on Specific Zoning Plan regulations that supplement or supersede adopted County zoning regulations.

4. The Commission may continue the public hearing, for a definite time not to exceed three months, on its own initiative or at the request of the applicant.

5. After the public hearing, the Community Development Department shall transmit the findings and recommendations of the Commission to the Board of Supervisors.

6. The Community Development Department may also transmit alternative recommendations when Staff and Commission opinions differ.

SEC. 3107 BOARD OF SUPERVISORS REVIEW

A. Public notice: Public notice of the Board of Supervisors hearing shall be provided in accordance with Section 3106(E).

B. Voting requirement:

1. A majority vote of all members of the Board of Supervisors shall be required for approval.

C. Public hearing:

1. After proper public notice, the Board of Supervisors shall hold a public hearing on the application, at which all interested parties shall be heard.

2. The supervisors may continue the public hearing on their own initiative or at the request of the applicant or affected property owners.

3. The supervisors may approve the Specific Zoning Plan, amend Planning and Zoning Commission recommendations or approve additional Specific Zoning Plan conditions, or deny the request.

4. The supervisors may vote by separate motion on Specific Zoning Plan regulations that supplement or supersede adopted County zoning regulations.

SEC. 3108 ORDINANCE ADOPTION AND AMENDMENT PROCEDURES

A. Specific Zoning Plan ordinance adoption:

1. The Board of Supervisors shall adopt an ordinance changing the zoning district to the Specific Zoning Plan District no later than thirty days after Specific Zoning Plan approval.

2. Existing zoning and the land use plan recommendation for the property shall remain in effect and permits based on the approved Specific Zoning Plan shall not be issued until a Specific Zoning Plan ordinance for the property is adopted by the supervisors.

3. Upon adoption of the Specific Zoning Plan ordinance, the Specific Zoning Plan shall become the zoning district of the subject property and shall replace the existing zoning designation on the official County zoning map.

B. Residential Density Transfer:

1. The Community Development Director or designee may permit the transfer of residential densities to more suitable locations within the Specific Zoning Plan; provided:

a. The locations and procedures for such residential density transfers are identified within the Specific Zoning Plan; and

b. The overall residential density of the Specific Zoning Plan is not exceeded.

2. The Specific Zoning Plan shall identify residential density donor development units and residential recipient development units within which residential density transfers are permitted.

3. The total number of residential units transferred to a recipient development unit shall not exceed twenty-five percent of the dwelling units established for such development unit; individual specific plans may establish a lower maximum transfer percentage. Any transfer greater than twenty-five percent of the number of dwelling units established for the recipient development unit is a substantial change.

C. Specific Zoning Plan substantial changes:

1. Scope: All Specific Zoning Plans shall describe in sufficient detail the criteria and process for amendment based on the minimum requirements of this section.

2. Consistency: All Specific Zoning Plan amendments shall be in substantial conformance with the remainder of the Specific Zoning Plan and shall be in compliance with the comprehensive plan in accordance with Section 3103(E).

3. Procedure:

a. The owner or agent of the property may submit to the Community Development Department a written application to amend one or more of the Specific Zoning Plan regulations;

b. The request shall be accompanied by an explanation of the circumstances justifying the requested amendments;

c. The Community Development Director or designee shall determine if the amendment would result in a substantial change in Specific Zoning Plan regulations, which is a change in a:

1) Density regulation, if the number of residences per acre increases by more than ten percent or exceeds the maximum number of dwelling units (dwelling-unit cap) permitted within the plan; or

2) Policy regulation, when the regulation is a policy or a variation of a policy contained in an applicable land use plan; or

3) Design regulation, when change is to be made to quantified physical dimensions (such as buffers) which were established to adapt the Specific Zoning Plan to specific site characteristics or mitigate development impacts on the Specific Zoning Plan site and surrounding area; or

4) Use regulation, when a use not otherwise permitted in the Specific Zoning Plan or no more intense than a permitted use is sought.

d. If the request is determined to be an insubstantial change, the proposed amendment may be administratively approved by the Community Development Director or designee and shall not require a noticed public hearing or action by the Planning and Zoning Commission or Board of Supervisors.

e. If the request is determined to be a substantial change, the Community Development Director or designee shall refer the request to the commission for noticed public hearing and recommendation prior to public hearing by the supervisors. Specific Zoning Plan substantial changes that occur after Board of Supervisors' approval of the Specific Zoning Plan are subject to protest petition procedures.

f. A substantial change may require, as determined necessary by the Community Development Director or designee, submittal of an amended site analysis.

g. For all hearings, the Community Development Department shall prepare a staff report.

SEC. 3109 PLAN IMPLEMENTATION REQUIREMENTS AND PROCEDURES

A. Plan Administration: The Community Development Department is the lead agency for the administration of Specific Zoning Plans and shall coordinate the procedures and review by applicable County departments and other agencies.

B. Plan Implementation Procedures:

1. The implementation of Specific Zoning Plans shall be in accordance with the procedures provided in the Specific Zoning Plan.

2. Specific Zoning Plans may establish additional implementation procedures, provided such methods are not in conflict with required procedures and are fully described by the Specific Zoning Plan.

C. Assurances:

1. Standard assurances in accordance with Section 1504.4.2.K (Specific Approvals, Dedications, and Certification Requirements) are required for Specific Zoning Plans that include the subdivision of land.

D. Plan Implementation Monitoring:

1. Every five years (or more frequently if required by the Community Development Director), the principal owner or developer of the Specific Zoning Plan shall prepare an implementation monitoring report for administrative review by applicable County departments.

2. The report shall describe in acceptable form and detail:

a. Project adherence to schedules established by the Specific Zoning Plan;

b. The total number of dwelling units built, platted and permitted; and

c. Such items (if any) as shall be established by adopted County policy and provided in writing to the principal owner or developer.

E. Plan Enforcement: The enforcement of Specific Zoning Plan regulations shall be in accordance with A.R.S. §11-815.